



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
SEP 14 2004

In re application
TO TRADEMARK OFFICE

Docket No: Q63915

Samir Kumar BRAHMACHARI, et al.

Appln. No.: 09/820,843

Group Art Unit: 1631

Confirmation No.: 7045

Examiner: Carolyn L. SMITH

Filed: March 30, 2001

For: A COMPUTATIONAL METHOD FOR THE IDENTIFICATION OF CANDIDATE PROTEINS USEFUL AS ANTI-INFECTIVES

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the interview conducted on September 7, 2004 between attorney for Applicants Mark L. Hayman, and Examiner Smith and Primary Examiner Marscel:

REMARKS

During the interview, the following were discussed:

1. No exhibits were discussed or demonstrations conducted. However, a draft

Amendment was provided prior to the interview for the Examiner's review.

2. Claims 20-33 were discussed.

3. No prior art was discussed.

4. *Identification of principal proposed amendments:* Examiner Smith stated that the

Amendments to the claims as presented in Applicants' draft Amendment overcome the indefiniteness rejection of claims 20-33 as well as the written description rejection of claim 33.

Statement of Substance of Interview
U.S. Application No. 09/820,843

5. *Brief Identification of principal arguments:* Attorney for Applicants noted that Section 2106 of the MPEP provides an example of a process claim that is statutory subject matter because it involves physical transformation of activity into data. Attorney for Applicant also noted that this exemplary claim does not recite any physical transformation step, showing that there is no requirement under Section 101 that a process claim actually recite the physical transformation step. Examiner Marschel stated that this argument would be considered if submitted in a Response to the Office Action.

6. *Indication of other pertinent matters discussed:* Examiner Marschel stated that if the draft Amendment was presented in response to the final Office Action under 37 C.F.R. § 1.116, the Amendment would not be entered because the amendment to claim 20 is significant.

7. *Results of Interview:* no agreement was reached with respect to the enablement and section 101 rejections.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

Respectfully submitted,


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